

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LARRY PIATEK,

Plaintiff,

Case No. 05-C-1258

v.

JESS BAKER,

Defendant.

OPINION AND ORDER

Larry Piatek, a prisoner in state custody, has filed an action in which he seeks three million dollars in compensatory and punitive damages pursuant to 42 U.S.C. § 1983 from a sheriff's deputy from California. Piatek claims that the deputy defamed him. Seventeen years ago the deputy was the victim of a crime committed by Piatek who claims that the deputy sent a letter defaming him to a judge in Walworth County, Wisconsin. The letter was introduced into the record of Piatek's sentencing on criminal charges arising out of incidents occurring in Wisconsin in 2002. Piatek claims that he "lost business" due to the defamatory letter. Following the sentencing, Piatek was incarcerated at the Waupun Correctional Institution.

Although Piatek has paid the filing fee in full, the court must still screen his Complaint. See 28 U.S.C. § 1915A. See also *Rowe v. Shake*, 1916 F.3d 778, 781 (7th Cir. 1999). Having examined the record, the court concludes that the Plaintiff has not stated a constitutional claim for injury to his reputation under the standards set forth in Paul v. Davis, 424 U.S. 693 (1976) and its progeny. Therefore, the court ORDERS

that this action is dismissed with prejudice for failure to state a claim upon which relief can be granted. See Federal Rule of Civil Procedure 12(b)(6).

IT IS FURTHER ORDERED that the Clerk of Court shall enter a final judgment as a separate document. See Federal Rule of Civil Procedure 58. This judgment shall provide that:

Plaintiff Larry Piatek brought this action against Defendant Jess Baker before the court, the Honorable Thomas J. Curran, District Judge, presiding, and the Complaint having been dismissed for failure to state a claim upon which relief can be granted,

IT IS ORDERED AND ADJUDGED

that this action is dismissed with prejudice.

Done and Ordered in Chambers at the United States Courthouse, Milwaukee, Wisconsin, this 8th day of December, 2005.

s/ Thomas J. Curran

Thomas J. Curran
United States District Judge